

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

YANCEY D. TAYLOR,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No.: 2:18-cv-01148-MPK
)	
FRONTIER AIRLINES, INC.,)	Chief Mag. Judge Maureen P. Kelly
)	
<i>Defendant.</i>)	

JOINT MOTION TO EXTEND TIME TO COMPLETE ADR

Plaintiff YANCEY D. TAYLOR (“Plaintiff”) and Defendant FRONTIER AIRLINES, INC. (“Frontier”), each by their undersigned counsel, bring this Joint Motion to Extend Time to Complete ADR, and respectfully state as follows:

1. This personal injury action arises out of an incident that allegedly occurred on December 5, 2016, onboard Frontier Flight 1093 from Pittsburgh, Pennsylvania to Las Vegas Nevada. (Doc. #1-2.) Plaintiff was a passenger on Flight 1093 and alleges that the flight attendants “slammed a drink cart into [his] right knee, startling him [and] causing his head to violently hit the back of his seat.” *Id.* at ¶11.

2. On September 5, 2018, this Court entered an Order Scheduling Initial Case Management Conference, and directed the parties to confer and file their Rule 26(f) Report and either the Stipulation Selecting ADR Process or the Expedited Docket Stipulation on or before October 2, 2018. (Doc. #4.)

3. On October 2, 2018, the parties filed their Stipulation selecting ADR Process stating they had discussed the matter and agreed they should conduct fact discovery before they could engage in meaningful settlement discussions. (Doc. #10.)

4. On October 3, 2018, this Court directed the parties to file an amended stipulation setting forth the type of mediation, name of mediator, and attendees. (Doc. #14.) The Order stated the Court would discuss the timing of the mediation with counsel at the initial case management conference. *Id.*

5. On October 5, 2018, the parties filed their Amended Stipulation Selecting ADR Process selecting Early Neutral Evaluation (“ENE”) with Judge Gary Caruso (Ret.) (Doc. #16.)

6. On October 9, 2018, the parties attended the initial case management conference with the Court and discussed the background facts, claims, defenses, and anticipated discovery. They also discussed the fact discovery they would like to complete before engaging in settlement discussions. Specifically, the parties would like to investigate the alleged incident, obtain Plaintiff’s complete medical records, complete written discovery, and take at least Plaintiff’s deposition before they discuss settlement.

7. Pursuant to Section 4.4 B of this Court’s ADR Policies and Procedures, ENE must be held within 60 days of the initial scheduling conference unless otherwise ordered or extended by the Court for good cause shown. This Court has ordered the parties to complete ENE by December 10, 2018. (Doc. #19.)

8. The parties respectfully request that this Court extend the time to complete ENE until January 15, 2019. Good cause exists for this extension. With these additional 36 days, the parties will have 98 days from the initial conference to provide their Rule 26(a)(1)(A) initial disclosure, submit to the Court a proposed Qualified Protective Order pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) which will allow them to obtain Plaintiff’s medical records from covered entities as defined by 45 C.F.R. § 160.13 and investigate the nature and extent of Plaintiff’s pre-existing injuries, submit to the Court a

proposed Agreed Confidentiality Order which will allow them to designate certain materials produced during discovery as “CONFIDENTIAL,” complete written discovery, take Plaintiff’s deposition, and possibly also depose any percipient witnesses who are identified during this time. This extension also accounts for the Thanksgiving and winter holidays, when Frontier’s counsel anticipates that necessary representatives at Frontier and Allianz may not be available to consider settlement options.

9. Both parties concur in this request for extension of time to complete ENE.

WHEREFORE, Plaintiff YANCEY D. TAYLOR and Defendant FRONTIER AIRLINES, INC. respectfully request that this Honorable Court grant their Joint Motion to Extend Time to Complete ADR, extend the deadline for the parties to complete ENE until January 15, 2019, and for such further relief as this Court deems necessary and proper.

Date: October 16, 2018

Respectfully submitted,

YANCEY D. TAYLOR

FRONTIER AIRLINES, INC.

By: /s/ Kevin S. Burger
Attorney for Plaintiff

By: /s/ Tara Shelke
One of the Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2018, I caused the foregoing to be electronically filed with the United States District Court for the Western District of Pennsylvania using the CM/ECF system.

By: /s/ Tara Shelke

One of the Attorneys for Defendant

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